

AMENDED IN SENATE MAY 24, 2006

AMENDED IN SENATE MAY 2, 2006

SENATE BILL

No. 1655

Introduced by Senator Scott

February 24, 2006

An act to add Section 35036 to the Education Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1655, as amended, Scott. Teachers: voluntary transfers.

Existing law authorizes the superintendent of a school district, upon adoption by the governing board of the school district of a policy concerning transfers of teachers from one school to another school within the district, to transfer teachers consistent with that policy.

This bill would, notwithstanding that authority, prohibit—the ~~Superintendent~~ *a superintendent* from transferring a teacher who requests to be transferred to a school offering kindergarten or any of grades 1 to 12, inclusive, that is ranked in deciles 1 to 3, inclusive, on the Academic Performance Index if the principal of the school refuses to accept the transfer. The bill would prohibit the governing board of a school district from adopting a policy or regulation, or entering into a collective bargaining agreement, that assigns, after April 15 of the school year prior to the school year in which the transfer would become effective, priority to a teacher who requests to be transferred to another school over other qualified applicants who have applied for positions requiring certification qualifications at that school. *The bill would require that its prohibitions become operative on January 1, 2007. The bill would specify that if its prohibitions are in direct conflict with the terms of a collective bargaining agreement in effect*

on January 1, 2007, the prohibitions are operative on the employees governed by that agreement upon its expiration. The bill would require, to the extent the provisions of this bill conflict with or contradict the provisions of a collective bargaining agreement, as specified, that its provisions regarding teacher transfers be incorporated, either expressly or by reference, into any collective bargaining agreement that is entered into between a school district and the exclusive bargaining representative of the certificated employees of the district and signed by both parties on or after January 1, 2007, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no. State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 35036 is added to the Education Code,
- 2 to read:
- 3 35036. (a) Notwithstanding subdivision (d) of Section
- 4 35035, the superintendent of a school district may not transfer a
- 5 teacher who requests to be transferred to a school offering
- 6 kindergarten or any of grades 1 to 12, inclusive, that is ranked in
- 7 deciles 1 to 3, inclusive, on the Academic Performance Index if
- 8 the principal of the school refuses to accept the transfer.
- 9 (b) The governing board of a school district may not adopt a
- 10 policy or regulation, or enter into a collective bargaining
- 11 agreement, that assigns, after April 15 of the school year prior to
- 12 the school year in which the transfer would become effective,
- 13 priority to a teacher who requests to be transferred to another
- 14 school over other qualified applicants who have applied for
- 15 positions requiring certification qualification at the school.
- 16 (c) *The prohibitions in this section shall become operative on*
- 17 *January 1, 2007. If the prohibitions in this section are in direct*

1 *conflict with the terms of a collective bargaining agreement in*
2 *effect on January 1, 2007, the prohibitions of this section shall*
3 *become operative on the employees governed by that agreement*
4 *upon its expiration.*

5 ~~(e) To the extent that the provisions of this section conflict~~
6 ~~with, or are contradicted by, provisions of any collective~~
7 ~~bargaining agreement, the provisions of subdivisions (a) and (b)~~
8 ~~shall be incorporated, either expressly or by reference, into any~~
9 ~~collective bargaining agreement that is executed between a~~
10 ~~school district and the exclusive bargaining representative of the~~
11 ~~certificated employees of the district on or after January 1, 2007.~~
12 ~~Nothing in this section shall be construed to require any~~
13 ~~collective bargaining agreement to be renegotiated or negotiated~~
14 ~~to address subdivisions (a) and (b) if there is no conflict between~~
15 ~~the provisions of the collective bargaining agreement and~~
16 ~~subdivisions (a) and (b).~~

17 SEC. 2. ~~If the Commission on State Mandates determines that~~
18 ~~this act contains costs mandated by the state, reimbursement to~~
19 ~~local agencies and school districts for those costs shall be made~~
20 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
21 ~~4 of Title 2 of the Government Code.~~

22
23
24 CORRECTIONS: _____

25 Digest — Page 2.
26 _____